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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,467	08/03/2001	Timothy L. Goldstein	10007816-1	7037

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,467

Applicant(s)

GOLDSTEIN, TIMOTHY L.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-28 and 30 are subject to examination. Claim 29 is missing.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Genske et al. (hereinafter Genske) (US 2002/0065872 A1)

**Referring to claim 1,**

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Genske teaches an electronic device having digital data stored thereon, said electronic device comprising:

a packetizer for manipulating said digital data into a plurality of packets (page 5, para.[0043],” The specifications for the currently-preferred camera embodiment may be summarized as in Table 1);

a communication controller for opportunistically establishing communication between said electronic device and at least one remote transport device (Abstract,” A methodology for dynamic (i.e., run-time) uploading and execution of applications and drivers between devices (e.g., between "client" device and one or more (host) devices), in a fully automated manner, is described. The device which is to be hosted (e.g., the "client" device) initially probes its environment to determine which device or devices it is attached to (e.g., the "host" device(s)). Once it has correctly discerned the relevant host or target device(s), the client device includes the capability of immediately sending out (i.e., uploading) a particular driver or application (i.e., object or file of interest) for placement, and ultimately execution, at the host device. Once the particular object or file of interest has been "injected" into the host device and is executing, the client device may simply revert to a "listening mode" in which it waits to be told what to do (i.e., receive commands from the application or driver which is now executing at the host device).“; and

a transceiver for singly transmitting copies of said packets to said at least one remote transport device and receiving communication signals from ones of said at least one remote transport devices to manage memory resources for the electronic device.

(page 5, para.[0043],” The specifications for the currently-preferred camera embodiment may be summarized as in Table 1, Abstract, para.[0062], [0084] [0004])

**Referring to claim 2,**

Genske teaches the electronic device of claim 1 further comprising:

a memory controller for singly deleting said digital data that corresponds to said transmitted copies of said packets. (para.[0035])

**Referring to claim 3,**

Genske teaches the electronic device of claim 1 further comprising:

an interactive memory controller wherein a user selects ones of said digital data corresponding to said transmitted copies of said packets for deletion.

(para.[0035],[0290])

**Referring to claim 4,**

Genske teaches the electronic device of claim 1 wherein said at least one remote transport device comprises:

a connection to a communication network (para.[0014]);

a transceiver for facilitating communication with external devices; (para.[0043] para.[0014]), and

a data processor for sending ones of said transmitted copies of said packets over said communication network. (para.[0043] para.[0014])

**Referring to claim 5,**

Genske teaches the electronic device of claim 1 wherein said memory controller saves a reduced representation of said digital data.(para.[0035],[0331])

**Referring to claim 6,**

Genske teaches the electronic device of claim 1 wherein said transceiver is a wireless personal area network (WPAN) transmitter. (para.[0043],” The specifications for the currently-preferred camera embodiment may be summarized as in Table 1,).

**Referring to claim 7,**

Genske teaches the electronic device of claim 1 wherein said transceiver sends multiple copies of each transmitted packet. (para.[0063],” Upon probing its environment, the client device identifies all relevant host devices over all relevant communication media. Then, the client device enters into a dialog with each particular host device. In a manner similar to that described above for a single host device, the client device uploads appropriate application or driver software, as appropriate, for each identified host device. Upon entering the listening mode, the client device can respond to any and all requests from the multiple host devices. “).

**Referring to claim 8,**

Genske teaches the electronic device of claim 1 wherein said memory controller receives a signal acknowledging receipt of said transmitted copy before singly deleting said packet. (para.[0064])

**Referring to claims 9 and 10,**

Genske teaches the electronic device of claim 1 further comprising: a switch for deactivating said transceiver, and the electronic device of claim 9 wherein said switch is selectable by a user.(para,[0011],[0035],[0039])

**Referring to claim 11,**

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Genske teaches the electronic device of claim 1 further comprising: a file manager providing a user options for selecting ones of said digital data for transmission from said device. (para.[0004], ([0298]-[0136]))

**Referring to claim 12,**

Genske teaches a method for managing memory resources on an electronic device comprising the steps of:

packetizing data stored on said electronic device (page 5, para.[0043],” The specifications for the currently-preferred camera embodiment may be summarized as in Table 1);

opportunistically establishing a communication link with at least one neighboring electronic device (Abstract);

transmitting a copy of a single packet to said at least one neighboring electronic device; (para.[0063],[0043]) and

communicating said transmitted copy from said at least one neighboring electronic device to a collection host. (para.[0014])

**Referring to claim 13,**

Genske teaches the method of claim 12 further comprising the step of deleting said data corresponding to said single packet after said associated copy is transmitted(para.[0035],[0290])

**Referring to claim 14,**

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Genske teaches the method of claim 12 further comprising the step of selectably deleting said data corresponding to said single packet after said associated copy is transmitted. (para.[0035],[0290])

**Referring to claim 15,**

Genske teaches the method of claim 12 wherein said establishing step comprises the steps of:

broadcasting a hail within a transmission radius centered about said electronic device (Abstract);

receiving reply transmissions from at least one neighboring electronic device within said transmission radius;( para.[0063]), and

creating a data channel between said electronic device and said at least one neighboring electronic device. (para.[0063])

**Referring to claim 16,**

Genske teaches the method of claim 12 further comprising the step of transmitting additional copies of said single packet to other of said at least one neighboring electronic device. para.[0063],”

**Referring to claim 17,**

Genske teaches the method of claim 12 further comprising the steps of: issuing an acknowledgment from said collection host addressed to said electronic device ; receiving said acknowledgment; and performing said deleting step after said receiving step. (para.[0063])

**Referring to claim 18,**



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Genske teaches the method of claim 12 further comprising the step of: reassembling said received packets at said collection host into a copy of said data stored on said electronic device. (para.[0063])

**Referring to claim 19,**

Genske teaches the method of claim 12 further comprising the steps of: partially reassembling said packets at said electronic device into a thumbnail version of said data stored on said electronic device prior to said deleting step; and storing said thumbnail version on said electronic device. (para.[0035],[0331])

**Referring to claim 20,**

Genske teaches the method of claim 12 further comprising the step of: checking said transmitted copy for errors.(para.[0232], [233])

**Referring to claim 21,**

Genske teaches a system of managing memory resources on an electronic device comprising:

means for packetizing original data stored on said memory resources  
(para.[0043])

means for hailing surrounding transport devices (para.[0063]);

means for establishing communication channels with ones of said surrounding transport devices responding to said hail (para.[0063])

means for singly transmitting copies of said packets to said ones of said surrounding transport devices (para.[0063])

means for forwarding said singly transmitted copies from said surrounding transport devices to a collection point; (para.[0014]) and

means at said collection point for reassembling said forwarded copies into a copy of said original data. (para.[0014])

**Referring to claim 22,**

Genske teaches the system of claim 20 further comprising: means for saving reduced copies of said original data from ones of said packets corresponding to said transmitted copies. (para.[0035],[0331])

**Referring to claim 23,**

Genske teaches the system of claim 20 further comprising: means for selectively deleting portions of said original data corresponding to said transmitted copies of said packets. (para.[0035],[0290])

**Referring to claim 24,**

Genske teaches the system of claim 21 further comprising: means for checking errors in said forwarded copies. (para.[0232], [233])

**Referring to claim 25,**

Genske teaches the system of claim 1 wherein the communications controller opportunistically establishes communication by: issuing a general hail to a plurality of different remote transport devices to find remote transport devices within a communications range of said electronic device; and connecting with at least one remote transport device while in the communications range. (para.[0063], Abstract, [0021],[0134]).

**Referring to claim 26,**

Genske teaches the system of claim 25 wherein the communications controller opportunistically establishes communication by connecting with the remote transport device if a user of said electronic device passes within the communications range.

(para.[0063], Abstract).

**Referring to claim 27,**

Genske teaches the system of claim 26 wherein the communications controller opportunistically establishes communication by connecting with another remote transport device before the user of said electronic device leaves the communications range. (para.[0063], Abstract, [0021],[0134]).

**Referring to claim 28,**

Genske teaches the system of claim 12 wherein opportunistically establishes communication includes: searching for neighboring electronic devices within a communications range of said electronic device; and connecting with at least one of neighboring electronic devices while in the communications range.(para.[0063], Abstract, [0021],[0134]).

**Referring to claim 30,**

Genske teaches the system of claim 28 wherein opportunistically establishing a communication link includes connecting with another neighboring electronic device if said electronic device is moved out of the communication range. (para.[0063], Abstract, [0021],[0134]).

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**JOHN FOLLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**